

Remarks

Claims 1-7 and 10-15 were rejected under 35 U.S.C. 112 as indefinite. These claims have been cancelled in favor of new claims 19-23.

Claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Holtkamp ('930). The newly presented claims point out that the inner box and outer box are in snug nesting relation. The newly presented claims cannot be anticipated by Holtkamp which does not show snug nesting.

The claims were rejected as being obvious under Section 103 in view of Holtkamp and various other references. None of the references, alone or in combination, show a snug nesting inner and outer box with a transparent window in the outer box except for Ames ('337). However, Ames does not teach an inner box with a transparent window. The Examiner might be inclined to rely upon one of the other references, such as Parsons ('026) as a secondary reference with Ames ('337) where an inner box has a transparent window. In this situation, there is no motivation to combine the nesting inner and outer boxes of Ames with the inner box with a transparent window found in Parsons or one of the other references, except for applicant's teaching supplied in hindsight. This is not a valid basis for an obviousness rejection.

Nevertheless, if an obviousness rejection is maintained against the newly written claims, applicant provides evidence of nonobviousness, namely a declaration of commercial success enjoyed by applicant's product. Please note that applicant is making a substantial investment in his invention and patent protection is a help for protection against imitation.

Favorable consideration of the new claims is requested. A notice of allowance is earnestly solicited.

Respectfully submitted,

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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